IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 33388 of 2006(Y)

PETITIONER:

CHACKO ANTONY, KINGANAMCHIRA HOUSE,
PAIPPAD, PROPRIETOR, HOTEL BLUE STAR,
T.B.ROAD, CHANGANACHERRY.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:
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1. THE CIRCLE INSPECTOR OF POLICE,
CHANGANACHERRY POLICE STATION, CHANGANACHERRY,
KOTTAYAM DISTRICT.

2. THE SUB-INSPECTOR OF POLICE,
CHANGANACHERRY POLICE STATION,
CHANGANACHERRY, KOTTAYAM DISTRICT.

3. KOTTAYAM DISTRICT SHOPS AND OTHER,
ESTABLISHMENT MANZDOOR SANGH, B.M.S. OFFICE,
KOTTAYAM-1, REPRESENTED BY ITS GENERAL SECRETARY,
MR.N.M.RADHAKRISHNAN.

4. K.N.THILAKAN,
KADAMULAYIL HOUSE,
R.P.C. POST, 1/10 PATHAL, MUNDAKKAYAM,
KOTTAYAM DISTRICT.

5. ABRAHAM THOMAS @ THANKACHAN,
PUTHUPLACKAL HOUSE, NALUKODY P.O.,
CHANGANACHERRY, KOTTAYAM DISTRICT.

6. STATE OF KERALA,
REP.BY SECRETARY,
HOME DEPARTMENT, TRIVANDRUM.

BY ADV. SRI.N.NAGARESH FOR R3 TO R5
SRI.BINU PAUL
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE NOTICE DATED 2.11.2006 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P2: COPY OF THE COMPLAINT DATED 13.12.2006 FILED BY PETITIONER BEFORE THE 2ND RESPONDENT WITH COPY TO THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R3(A): COPY OF THE WAGE SLIP ISSUED TO THE 4TH RESPONDENT FOR THE MONTH OF AUGUST, 2006.

EXT.R3(B): COPY OF THE WAGE SLIPS ISSUED TO THE 5TH RESPONDENT.

EXT.R3(C): COPY OF THE LETTER DATED 12.1.2005 ISSUED BY THE ASSISTANT PROVIDENT FUND COMMISSIONER, KOTTAYAM.

EXT.R3(D): COPY OF THE ESI CARD ISSUED TO THE 5TH RESPONDENT.

EXT.R3(E): COPY OF THE LETTER DATED 21.11.2006 SUBMITTED TO THE DISTRICT LABOUR OFFICER, KOTTAYAM.

EXT.R3(F): COPY OF THE NOTICE DATED 21.11.2006 ISSUED BY THE DISTRICT LABOUR OFFICER, KOTTAYAM.

EXT.R3(G): COPY OF THE NOTICE DATED 24.11.2006 ISSUED BY THE DISTRICT LABOUR OFFICER, KOTTAYAM.

EXT.R3(H): COPY OF THE PETITION SUBMITTED TO THE CIRCLE INSPECTOR, CHANGANACHERY.

EXT.R3(I): COPIES OF THE BILLS ISSUED BY THE 5TH RESPONDENT.

J.B.KOSHY & K.PADMANABHAN NAIR,JJ.

W.P.(C)NO.33388 OF 2006

Dated 19th December, 2006

JUDGMENT

Koshy,J.

This is a petition for police protection. Already an interim direction was granted on 15.12.2006. A counter has been filed by respondents 3 to 5 stating that labour disputes are already filed and statutory authorities are taking action on the same. But, being a hotel the customers should not be blocked and, therefore, we affirm the interim order granted on 15.12.2006 and also direct that even though respondents can conduct peaceful sathyagraha, no agitation should be conducted within 100 metres from the gate of the hotel so that ingress and egress of the petitioners, customers etc are not obstructed. This order is without prejudice to the rights of the workers in the labour disputes.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

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